REMARKS

Claims 1-6 and 9-19 remain in connection with the present application with claims 1, 14, 15, 16, 17, 18 and 19 being independent. Reconsideration in view of the following remarks is kindly requested.

35 USC § 102 Rejections

Claims 14 and 17-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,434,154 to Stacey et al. ("Stacey"). This rejection is respectfully traversed.

Applicants respectfully submit that Stacey fails to teach or suggest a method of transporting information in an optical communication network..., the method, at least, comprising: forming a digital container at a first network node, the digital container including a header section and a payload section, wherein the payload section is capable of carrying a plurality of separate transmissions...; and addressing the digital container for routing to a second network node...; where the digital container is not routed to a user node, as recited in claim 14, and similarly recited in claims 17-19.

Applicants submit that, in the claimed invention, a digital container is formed at a first network node and is routed to a second network node; the digital container is not routed to a user node. In contrast, Stacey discloses "minicells" which are routed to a user node.

In the Office Action, the Examiner cites column 5, line 64 through column 6, line 1-29 of Stacey, which states that "each user's information is carried in a short packet or minicell," (see also column 5, lines 29-32; "minicells can be carried end-to-end across the network from STB (set top box) to STB.") Thus, it appears that Stacey requires its minicell to go beyond a network node to a user node. Therefore, Stacey does not teach or suggest the routing of the contents of a payload to a user without a digital container, as in claims 14 and 17-19.

Accordingly, Applicants request withdrawal of the pending rejections and allowance of claims 14 and 17-19.

The Section 103 Rejections of Claims 1-6, 10, 11 and 15

Claims 1-6, 10, 11 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stacey in view of Easki et al., U.S. Patent No. 5,440,547 ("Easki"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Initially, as discussed above, Applicants submit that Stacey fails to teach or suggest the routing of a payload without a digital container to a user node.

Secondly, as previously pointed out by the Applicants in earlier responses (incorporated herein), Stacey fails to teach or suggest each transmission may be formatted according to one of many different protocols.

Thirdly, as admitted in the Final Office Action, Stacey does not teach or suggest the reception and processing of a digital container at a second network node.

Easki does not make up for the deficiencies of Stacey set forth above. The Examiner relies on column 2, lines 26-35 of Easki for the disclosure of "receiving and processing the digital container at a second network node." In Easki, a VPI (an 8-bit or 12-bit virtual path identifier) and a VCI (a 2-byte virtual channel identifier, col. 1, lines 65-67) are rewritten to match a data link associated with a node every time such parameters pass through a different cell exchange node. VCI and VPI only contain routing information and lack payload. Therefore, VCI and VPI are different from a digital container which includes both header and payload wherein the header and payload are processed together at a second network node. In addition, the VCI/VPI are changed to accommodate data at other nodes; this has nothing to do with processing a digital container, as recited in claims 1 and 15.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-6, 9-13 and 15.

The Section 103 Rejections of Claim 16

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Easki in view of Stacey and further in view of Sathe et al., U.S. Patent No. 5,617,417 ("Sathe"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Initially, the Applicants note that claim 16 is patentable over the combination of Easki, Stacey and Sathe for the reasons set forth above. Sathe does not overcome the deficiencies of Easki and Stacey.

Continuing, relying on Figure 6 in Sathe, the Examine alleges that the newly formed control message is a second digital container and the control data extracted from the other frames has effectively been placed in the payload of this new digital container.

Applicants submit that claim 16 requires, among other things, "forming a second digital container at a first network node, the second digital container including a header section and a payload section, wherein the payload section comprises one or more signaling messages supplied by the first user node...". In contrast, Sathe discloses "control messages" which comprise "a channel control bit CC." These CC bits are extracted from "two master frames" by a communication node. More particularly, Sathe states "The receiving communication node extracts the channel control bit from each communications cell and the two master frames...". What is disclosed in this excerpt is to put the CC bits together to form a "control message," but not to place extracted control data into the payload section.

An important part of a payload section is information formatted in multiple protocols. In Sathe there is no such information in its "control message", and (therefore) there is no payload. Extracted control information cannot be inserted into a non-existing payload. As a result, Sathe fails to teach

or suggest "forming a second digital container at a first network node, the second digital container including a header section and a payload section, wherein the payload section comprises one or more signaling messages supplied by the first user node...", as recited in claim 16.

Next, Sathe fails to teach or suggest routing a second digital container through a communication network based only on destination information contained with the header section of the second digital container, as recited in claim 16.

In the Final Office Action, it is alleged that the above feature is disclosed in Sathe, relying on column 7, line 58-61.

However, Applicants respectfully submit that Sathe discloses a link identifier (LID) to each communication link 1-N, instead of routing information contained in the header section of a second digital container. Therefore, Sathe fails to teach or suggest routing a digital container based only on destination information contained with the header section of the digital container.

Finally, to reiterate, Sathe, singly or in combination with Easki and Stacey, fails to teach or suggest routing one or more signal messages carried in the payload section of a second digital container to a second user node serviced by the second network node, such that signal is established between the first and second user nodes, where the container is not routed to a user node.

Accordingly, because Sathe, singly or in combination with Stacey and Easki, fails to teach or suggest each and every feature recited in claim 16, Applicants respectfully request withdrawal of the pending rejection and allowance of claim 16.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By _____

John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC/ZBH:psy